

IN	THE	HIGH	COURT	OF	JUDICATURE	AT	BOMBAY
			CIVIL		APPELLATE		SIDE
	LETTERS		PATENT	APPEAL	NO.	24	OF 1995
Kolhapur Consumers Society Ltd.				Janta ...			Co-operative
				Vs.			
Gopal Pandurang Kotmire	...					Respondent	
Mr.	P.D.			Dalvi		for	Appellant.
Mr.	D.S.			Sawant		for	Respondent.
			CORAM	:	F.I.	REBELLO	&
				ANOOP	V.	MOHTA,JJ.	
P.C.			DATED	:	AUGUST	18,	2004
							:

1.	By	order	dated	24.6.1994	the	learned	Single		
Judge	of	this	Court	was	pleased	to	allow	writ	
petition		and	made	rule	absolute	in	terms	of	Prayer
Clause	(a)	with		further		direction	that		the
appellant	herein		be		reinstated	in	service		with
continuity	and		pay	him	full	backwages		from	24th
February,	1984		till		the	date	of		reinstatement.
There	are	further		directions,		that	the	direction	as
to	reinstatement			and	back		wages	shall	be
implemented		not	latter		than	30th	September,		1994,
failing	which	the	back		wages	calculated	upto		that
date	and		further		liability	towards	wages		arising
thereafter	shall	carry		interest	at	the	rate	of	12

per cent per annum, apart from other consequences. This appeal came to be preferred against the said order. Though the appeal was admitted, no interim relief was granted. Even otherwise, from the judgement in Paragraph 1, it is clear that the appeal is preferred under Article 227 of the Constitution of India. If that be the case, L.P.A. would not be maintainable.

2. Even otherwise, on merits, this was a case of retrenchment. The learned Labour Court after considering the material observed that while retrenching the respondent workman appellant was guilty of bias. The Labour Court however held that the reinstatement was not necessary and ends of justice would be met by granting compensation of six months wages in lieu of reinstatement. The learned Judge of the Industrial Court Court upheld the reasoning of the Labour Court.

3. Considering the matter and the orders of the Courts below the learned Judge in Paragraph 11 held that the appellants herein were unable to make out any special circumstances which had been brought to the notice of the two courts below which could have been considered as the basis for the refusal to

grant reinstatement and full back wages. We agree with the reasoning of the learned Judge.

4. In the light of that, appeal dismissed. No order as to costs.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)